

Kristin L. Martin (Nevada Bar No. 7807)
Eric B. Myers (Nevada Bar No. 8588)
McCRACKEN, STEMERMAN &
HOLSBERRY
1630 Commerce Street, Suite A-1
Las Vegas, Nevada 89102
Telephone: (702) 386-5107
Facsimile: (702) 386-9848
E-mail: klm@dcbsf.com

Attorneys for Defendant Bartenders Union
Local 165

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID STECKBECK, STEVEN ALBA,
ROBERT BLEDSOE, all individually,

Plaintiffs,

vs.

BARTENDERS UNION LOCAL 165; a
Nevada labor entity; DOES 1-10,. Inclusive;
ROE CORPORATIONS 1-10, inclusive,

Defendants.

CASE NO. 2:14-cv-00323-RFB-CWH

**DEFENDANT BARTENDER UNION
LOCAL 165's ANSWER TO SECOND
AMENDED COMPLAINT**

Bartenders Union Local 165 answers the second amended complaint as follows:

1. Local 165 admits the allegations in paragraph 1.
2. Local 165 admits that it is a labor organization and that during all of the events alleged in the second amended complaints, has been a labor organization. Local 165 denies each and every remaining allegation in paragraph 2.
3. Local 165 admits the allegations in paragraph 3.
4. Local 165 lacks information and belief about the allegations in paragraph 4, and on that basis denies each and every such allegation.

5. Local 165 admits the allegations in paragraph 5.

6. Local 165 admits that plaintiffs were employed as bartenders and worked at Aria's pool. Local 165 denies each and every remaining allegation in paragraph 6.

7. Local 165 denies each and every allegation in paragraph 7.

8. Local 165 denies each and every allegation in paragraph 8.

9. Local 165 admits that on or about August 29, 2013, plaintiffs filed a grievance with Local 165 to challenge the termination of their employment. Local 165 denies each and every remaining allegation in paragraph 9.

10. Local 165 denies each and every allegation in paragraph 10.

11. Local 165 denies each and every allegation in paragraph 11.

12. Local 165 denies each and every allegation in paragraph 12.

13. Local 165 realleges and incorporates by reference its answers to paragraphs 1 through 12, as if fully set forth herein.

14-17. Plaintiff failed to include in the second amended complaint paragraphs numbered 14 to 17.

18. The allegations in paragraph 18 is a conclusion of law not requiring an admission or denial. To the extent that a response is required, Local 165 denies each and every allegation in paragraph 18.

19. Local 165 denies each and every allegation in paragraph 19.

20. Local 165 denies each and every allegation in paragraph 20.

21. Local 165 denies each and every allegation in paragraph 21.

Affirmative Defenses

First Defense – Failure to State a Claim

22. Plaintiff has failed to allege sufficient facts to state a claim for violation of Local 165's duty of fair representation.

23. Plaintiff has failed to allege sufficient facts to state a claim for breach of a collective bargaining agreement.

//

Second Defense – Statute of Limitations

24. The Complaint is barred by the statute of limitations.


Third Defense – Failure to Mitigate Damages

25. Plaintiffs have failed to mitigate their damages.

WHEREFORE, Local 165 prays for judgment against Plaintiffs as follows:

1. That Plaintiffs take nothing from the complaint in this case;
2. That judgment be entered in favor of Local 165 and against Plaintiffs;
3. That Local 165 be awarded attorneys' fees and costs; and
4. For all other relief that the Court deems just and proper.

Dated: 3/10, 2015



Kristin L. Martin
Attorney for Defendant